

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUNGOAK CHA,

No. C-14-4672-EMC

Plaintiff,

v.

THE KAISER PERMANENTE,

**ORDER TO SHOW CAUSE RE
PLAINTIFF'S FIFTH CAUSE OF
ACTION (BREACH OF COLLECTIVE
BARGAINING AGREEMENT)**

Defendant.

On February 26, 2015, Plaintiff filed a first amended complaint (FAC) in this action. Docket No. 28. The fifth cause of action pleaded in Plaintiffs' FAC is for breach of the collective bargaining agreement between Plaintiffs' union and the Defendant, The Permanente Medical Group (TPMG).¹ In paragraph 14 of Plaintiff's FAC, she alleges that the union "violated its duty to fairly represent me as its member in failing to timely file a grievance *and in its failure to file a grievance at all.*" FAC ¶ 14 (emphasis added). Plaintiff further states in her opposition to Defendant's currently pending motion to dismiss that "[s]he failed to get help from [her] union." Docket No. 38 at 8.

It appears that the Plaintiff's allegations that her union never filed a grievance on her behalf are contradicted by other portions of Ms. Cha's pleadings. Most notably, Ms. Cha attached (as Exhibit 4 to her FAC) an email dated March 16, 2012, purportedly sent from a union representative to Defendant transmitting a grievance regarding Plaintiff's termination from employment. The same

¹ Defendant admits that Ms. Cha's employer – and thus the proper defendant in this action – is "The Permanente Medical Group."


1 exhibit also contains an email that appears to be from the union representative to Ms. Cha, attaching
2 a copy of a grievance filed with Defendant.

3 Somewhat complicating matters is another email attached by Ms. Cha to her FAC, contained
4 in Exhibit 5. In that email, written on January 5, 2015, an employee of Defendant writes that he
5 believes the Union did *not* file a grievance. The Court notes, however, that Ms. Cha attempted to
6 redact a different email towards the bottom of Exhibit 5 that appears to have been sent by Ms. Cha
7 to an unidentifiable email account at yahoo.com on January 7, 2015. That partially redacted email
8 appears to state "I found that the cna [California Nurses Association *i.e.*, Union] filed grievance in
9 other Email. I will show you LATER."

10 The Court hereby **ORDERS** Plaintiff to produce an unredacted version of all of the emails
11 contained in Exhibit 5 to the Court by April 20, 2015, or to provide legal authority explaining why
12 such emails are not subject to production.² The Plaintiff shall also be prepared to address the issue
13 of whether her union filed a grievance on her behalf at the April 23 hearing on Defendant's currently
14 pending motion to dismiss Ms. Cha's FAC.

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16 IT IS SO ORDERED.

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18 Dated: April 14, 2015

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21 EDWARD M. CHEN
22 United States District Judge
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28 ² The Court notes that a number of other emails in the email chain produced in Exhibit 5 are omitted, as indicated by the words "Quoted text hidden."